

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

)
) Case No. 16-3072
)
In re: Missouri Department of Corrections.) Related Cases:
)
) W.D. Mo.: 2:16-MC-09005
) S.D. Miss.: 3:15-CV-00295
)

DECLARATION OF J. LAWRENCE CUNNINGHAM

1. My name is J. Lawrence (Larry) Cunningham. I am over the age of 21 years and am fully competent to make this sworn statement. The facts and opinions stated below are true and correct and are based on the documents reviewed and referenced herein and my personal knowledge.
2. I am currently a Security Management Consultant and owner of, Essential Security Strategies, LLC, a security consultancy company. I am also affiliated with The Academy Group, Inc., (AGI), Bulldawg Protection International, BPI, LLC and TorchStone Global, LLC; all security consultancies conducting a diverse range of security risk evaluations, comprehensive security surveys and threat and vulnerability assessments. These surveys and assessments are conducted for a diverse range of public and private security and corporate organizations. My consultancy conducts the evaluation, development and implementation of integrated emergency response plans, security training programs, and the development of security policies addressing a range of vulnerabilities, ideological threats and the associated emerging terrorist threats.
3. I possess supervisory experience in all aspects of United States Secret Service jurisdiction. During my 20-year career, I developed precedent setting programs, supervised protective detail shift agents and managed a major field office of investigations. I conducted lead presidential security advances and performed risk assessments for world leaders attending major domestic and international events. My consultancy experience includes the development and implementation of integrated emergency response plans, security-training

programs and updated policies for law enforcement and military departments worldwide. These skills currently focus on the emerging terrorist threats and their evolving attack methodologies affecting public and private sector organizations worldwide.

4. From 2005 continuing to the present, I have served as a Department of Homeland Security (DHS) certified adjunct instructor and subject matter expert (SME) for the National Center for Biomedical Research and Training - Academy of Counter-Terrorist Education (NCBRT-ACE) at Louisiana State University. NCBRT is one of a seven (7) member consortium under the National Domestic Preparedness Consortium, NDPC whose mission it is to develop and deliver Department of Homeland Security, DHS certified courses to local, state and federal responder jurisdictions to include the military in the United States and to similar responder agencies world-wide. I currently teach and am DHS certified in the following law enforcement and management responder courses:

Executive Seminar: Prevention of, Response to and Recovery from Campus Emergencies, Prevention & Deterrence of Terrorist Acts, Site Protection through Observational Techniques, Critical Thinking & Analytic Methods, Practical Intelligence Writing & Briefing, Terrorist Threat Guidelines, The Instructor Development Workshop, Collective Protection Against Chemical Attacks and Emergency Responses to Dangerous Biological Incidents.

5. As a lead instructor and subject matter expert for NCBRT, I am responsible for assisting the instructional teams during the on-going development, delivery and periodic updates of numerous responder courses. As a developmental instructor, I represent the NCBRT at course matrix reviews conducted by CRA (Community Research Associates). These courses receive formal approval from the DHS, Federal Emergency Management Agency with their Training & Exercise Integration (TEI) Training Operations Division. I am currently assisting with the research and development of new public safety training initiatives on behalf of DHS.
6. In conjunction with my affiliation with the security consultancy firms named in paragraph number 2 of this Declaration, I provide diverse security assessment services aimed at proactively identifying threats, both current and evolving. These services include conducting comprehensive security surveys, threat

analyses, security officer and police officer training, security management training, organizational and executive protection strategy development and writing threat analyses and plans to identify, prevent, deter and respond to threats. I have conducted these services for the following organizations: The Department of Homeland Security, The U.S. State Department, The Bush-Cheney Presidential Campaign (2000 and 2004), The Defense Threat Reduction Agency, Exxon/Mobil Corporation, The American Battle Monument Commission, Harvard University, NASCAR, Gate Gourmet (Dobbs Catering), The International Monetary Fund, Harpo Studios, The Hawaii Department of Transportation, The Brunei Embassy (Washington, DC), the World Bank, Lextran Mass Transit Company (Lexington, KY), the Carolina Health Care System, Michael Jordan (Jump, Inc.), RLJ Companies, The George Washington University, U.S. Airways, The United Arab Emirates Royal Army Officer Corps, The United Arab Emirates royal family, The Jordanian Government, The Jordanian Royal Air Force and Royal Navy, The Jordanian Secret Service, The Jordanian royal family, and other corporations.

7. I am a former U.S. Secret Service agent. I served in a supervisory capacity in all aspects of Secret Service jurisdiction, both investigative and protective, during my 20-year career in the Secret Service. I served in a number of field offices of investigations to include the Agent-in-Charge in San Jose, CA. My field office responsibilities included the development and prosecution of numerous domestic and international criminal cases involving complex telemarketing, credit card fraud, computer-hacking and high-tech fraud operations. I developed precedent setting cases resulting in updated Federal Criminal Statutes, which streamlined the prosecution guidelines and procedures with the local District Attorney and the U. S. Attorney's Offices. From a threat assessment perspective, I directly managed and evaluated a significant number of threat cases yearly requiring the coordination of several law enforcement agencies. Field protective responsibilities included the coordination and supervision of the security arrangements for the visits of world leaders to the Silicon Valley and contiguous counties in the San Francisco Bay Area. This included the review, proactive evaluation and investigation of the relevant intelligence and threat cases impacting the security of the visiting dignitaries. Visiting dignitaries included Presidents of the United States, Presidential Candidates, Pope John Paul II, Mikhail Gorbachev and other foreign Heads of State. I completed a highly formalized threat assessment, applying a Secret Service threat assessment matrix, and briefed the respective supervisors of each protective detail regarding the specific risk for each dignitary. The oversight of law enforcement personnel, motorcade routes, sites and communications

included the development and integration of crisis management and emergency contingency plans. My executive duties included a seven-year membership on the Santa Clara County's Law Enforcement Executive Council.

8. During my assignment to the Philadelphia, PA Office of Investigations, I was assigned to the Protective Intelligence Squad for three (3) years. The squad responsibilities included the daily assessments of threats, verbal written and reported, threatening the President of the United States, The First Family, The Vice President of the United States, The Second Family, Former Presidents and First Lady's, foreign Heads of State and other Protectees as directed by Federal law. The squad handled as many as 15 threats per day.
9. While serving on the Presidential Protective Division at the White House for five (5) years, I conducted international security advances for domestic and international events. These events involved the attendance of the President of the United States and foreign Heads of State ranging from the Presidential Campaigns, Papal visits, Economic Summits and historic, commemorative anniversaries such as the D-Day anniversary ceremonies. These events typically included the coordination and integration of the security elements of other Heads of State from other countries. The security preparations for these events and ceremonies required comprehensive logistical and threat assessments of a range of possible threats from activists to dissidents to terrorist individuals and other groups with government and local security agencies and organizations. These efforts required exhaustive investigations and review of existing threat information affecting both the protectee(s) visits and the public attending these events. Based upon the specific threat environment and the history of the source of the potential threat(s), specific security counter measures were implemented to minimize and neutralize the threats. As an investigative and protective agent, I was responsible for making these threat assessments and determinations. As a supervisor, I was responsible for directing the implementation of the range of protective measures required. The range of measures included the development of a strategy and plan, equipment and personnel commensurate with the threats identified. In these efforts, I was responsible for training other agents to conduct this exacting level of security advances.
10. My training includes, but is not limited to the following schools and training certification courses:

United States Secret Service – 1974 - 1994

- Special Agent Criminal Investigator Training School, U.S. Treasury Dept.- May 2, 1974 (8 weeks)
- Special Agent Training Course, U.S. Secret Service – October 18, 1974 (12 weeks)
 - Essentials of Instruction – May 13-17, 1979 (40 hours)
 - Shift Leader Training – June 25-29, 1979 (40 hours)
 - Koga Arrest Techniques – October 4, 1979 (8 hours)
 - Candidate Nominee Protective Training – December 3-7 1979 (40 hours)
 - Protective Detail Training, (12 courses) – February 1983 – April 1987 (480 hours)
 - Facility Security Survey Training (12 Courses) – September 1982 – September 1987 (480 hours)
 - Presidential Protective Division Protective and Security Advance Training 1982 - 1987
 - Hostage Management Course – March 5-7, 1986 (32 hours)
 - Fitness Coordinator Certification – June 1- 5, 1986 (40 hours)
 - Protective Detail Training Advanced Course – August 1987 (80 hours)
 - Microcomputers for Managers – May 15-18, 1990 (32 hours)
 - Protective Research Seminar – November 16-20, 1987 (40 hours)
 - Extendible Baton Training – August 22 -23, 1989 (16 hours)
 - Computer and Access Device Fraud Seminar – August 7-10, 1990 (32 hours)
 - Practical Leadership Seminar – August 14-16, 1990 (24 hours)
 - Supervisory Special Agent Training – May 6-10, 1990 (40 hours)
 - Leadership Development Program – April 5-10,1992 (48 hours)
 - Effective Leadership Seminar – September 9 –11, 1992 (24 hours)

Vance International Consulting – 1999 - 2004

- Facility Security, Cybercrime and Executive Protection seminars four (4) sponsored by the *American Society for Industrial Security* 1999 – 2004

The National Center for Biomedical Research & Training Academy of Counter-Terrorist Education – 2004 - 2014

I am a Certified Instructor for the United States Department of Homeland Security in 11 courses aimed at law-enforcement, military and private security audiences. I have taught approximately 250 threat assessment related courses on behalf of DHS during my 10-year tenure with DHS. **I hold official DHS teaching certifications in these 11 responder courses.** To become certified

as a Subject Matter Expert to teach in each of these disciplines, I am first required to take and achieve instructor-level proficiency in these courses as a student, be evaluated as an instructor teaching selected modules and then apply for and be granted DHS certification to teach the following courses. This is considered specific law enforcement training under the NDPC guidelines. This training, re-certification and associated instruction process is on going and completed bi-annually for each course.

(The dates indicated represent the on-going annual steps of application, audit, teaching and certification required by DHS to teach these courses.)

- Prevention and Deterrence of Terrorist Acts* (2004 – present)
- Executive Seminar: Prevention of, Response to, and Recovery from Campus Emergencies (2006 – present)
- Integrated Response to Suspected WMD Cargo (2006 – present)
- Site Protection through Observational Techniques* (2014 ongoing)
- Critical Thinking & Analytic Methods (2012 – present)
- Practical Intelligence Writing & Briefing (2012 – present)
- Terrorist Threat Guidelines (2007 – 2011)
- Collective Protection Against Chemical Attacks (2012 – present)
- Instructor Development Workshop* (2005 – present)
- Agriculture & Food Assessment Vulnerability Training Program (2005 – present)
- Instructor Assessment Program (2005 – 2009)

* (I am also certified to instruct in the Direct-Delivery and the Train-the-Trainer versions of these courses.)

11. I have been an instructor and researcher of the following courses and schools and organizations related to threat assessments:

During the period: 1979 – 1982 while assigned to the Secret Service Office of Training and the Presidential Protective Division, I was a lead and senior instructor for the Special Agent Training Course, The In-Service Training Special Agent Training Course and the Fourth Protective Shift Training Course (for protective detail agents). Significant portions of these mandated training programs required threat Intelligence training, security survey advance training and coordination with the Secret Service Intelligence Division to evaluate existing and emerging threats impacting the security of the President of the

United States and First Family and the security of foreign Heads of State visiting the United States.

From 1982 – 1987, in conjunction with my assignment at the White House Presidential; Protective Division, I trained agents in the protocols and procedures required to conduct security surveys, intelligence analysis and threat assessments for the safety and security of the First Family of the United States.

From 1995 – 2006, I conducted approximately 100 senior crisis management seminars for cabinet level and ranking military officials of foreign governments as an International Security Expert for the U.S. State Department, Washington, DC.

In 1998, I conducted a comprehensive five-week protective security, intelligence and fitness-training program for The United Arab Emirates (UAE) Army Special Operations Group (equivalent to the US Army Special Forces) in the Persian Gulf States.

In 2000, I developed and implemented security protocols for the UAE Royal family's United Kingdom operation. This effort involved classroom and tactical field security guard training for the guards assigned to protect the UAE Royal family, their numerous residences and support staff. Important elements of this training involved the proactive identification of threats, evaluation of threats posed to the UAE Royal Family members, their properties and associated assets. Proficiency criteria were formulated to include written measures and demonstrated deployment actions. The security guards were evaluated accordingly. Once completed, a structured security guard training program and facility security standards for their residences and support facilities were developed and implemented as policy.

From 2000 – 2004, I conducted two (2) comprehensive security risk assessments and developed the security protocols for the Bush-Cheney Presidential Campaign staff and headquarters. I managed that security operation and conducted security awareness briefings for the campaign staff and associated organizations. As the lead security consultant, I was responsible for the development, implementation, ongoing operation and evaluation of the security infrastructure at the Bush-Cheney 2000 and 2004 Campaign Headquarters in McLean and Arlington, VA. This assignment included conducting on-site Security Surveys, CCTV monitor system design, security guard posting and training, development of security protocols, access system

design, liaison with Local and Federal Law Enforcement (including the U.S. Secret Service and the FBI's Joint Terrorism Task Force) and development of emergency/security protocol handbooks for the Bush-Cheney staff and security officers. I conducted several security awareness briefings for the senior campaign staff to include The Cheney family members.

In 2003, I developed and taught two (2) training programs for the Northern Virginia Criminal Justice Academy and their Terrorism Research Center, Inc. The programs addressed cyber-crime investigations and protocols required to accurately recognize and respond to terrorism threat indicators for law enforcement officers.

From 2005 – 2007, I conducted security briefings and training for the Harpo studios executive staff and protective security staff at the request of Oprah Winfree in Chicago, IL. The security training comprised security infrastructure measures (hardware and software) and filed security tactics training for the bodyguards and associated security staff. A significant portion of the training included assessing threats posed by the public and the audiences attending the taped shows in the Harpo studios.

From 2005 to the present, as a DHS certified Adjunct Instructor for NCBRT-ACE, I have served as a Lead Subject Matter Expert (SME) and Lead Instructor in the courses below that specifically train diverse responders and civilians in the proactive identification, assessment and mitigation of diverse threats affecting the public at large, public and private organizations and individuals on a bi-monthly basis.

12. Following the Virginia Tech massacre on April 16, 2007, on the campus of the Virginia Polytechnic Institute in Blacksburg, VA, I co-developed and authored significant portions of the NCBRT Campus Emergency course seeking to develop more effective threat assessment methodologies among all members of college campus populations and improve the integration among the nation's campus governance, campus police and local police departments. This DHS certified course incorporates instruction and table-top exercises addressing the Incident Command System (ICS), the Health Information Portability and Accountability Act (HIPPA), provisions of the Clery Act, weaknesses with information sharing and the enforcement of laws prohibiting weapons sales to mentally disturbed persons. A significant element of this course development included participation in the Virginia Tech After-Action creation of the Threat Assessment Team concept adopted by most of the nation's college campuses. I

have presented this course 56 times to responder audiences domestically and internationally.

13. The curricula for these courses specifically incorporate teaching a variety of effective threat assessment methodologies (classroom and “hands-on”) to identify threats, both domestic and foreign as follows:

- Prevention and Deterrence of Terrorist Acts*
- Executive Seminar: Prevention of, Response to and Recovery from Campus Emergencies
- Integrated Response to Suspected WMD Cargo
- Site Protection through Observational Techniques*
- Critical Thinking & Analytic Methods
- Practical Intelligence Writing & Briefing
- Terrorist Threat Guidelines
- Collective Protection Against Chemical Attacks

14. I currently hold the following licenses and security clearances:

I hold Department of Homeland Security Instructor certifications as an Adjunct Faculty member for NCBRT-ACE at the Louisiana State University in Baton Rouge, LA in the following courses:

- Prevention and Deterrence of Terrorist Acts*
- Executive Seminar: Prevention of, Response to, and Recovery from Campus Emergencies
- Integrated Response to Suspected WMD Cargo
- Site Protection through Observational Techniques*
- Critical Thinking & Analytic Methods
- Practical Intelligence Writing & Briefing
- Terrorist Threat Guidelines
- Collective Protection Against Chemical Attacks
- Instructor Development Workshop
- Agriculture & Food Assessment Vulnerability Training Program
- Instructor Assessment Program
- Emergency Response to Biological Threat Incidents

15. The following supporting documentation is available for inspection:

1. My official NCBRT biography noting my specific NCBRT teaching authorizations;
 2. DHS Instructor Certifications;
 3. The NCBRT Training Courses catalogue;
 4. The NCBRT consortia affiliation and course strategy and planning overview summary;
 5. The NCBRT Law Enforcement Advisory Council Agenda, purpose and membership.
16. I have been a Subject Matter Expert, Lead Instructor and Course Developer for the National Center for Biomedical Research and Training – Academy of Counter –Terrorist Education (NCBRT) from 2005 to the present.
17. NCBRT is one of a seven (7) member consortium under the National Domestic Preparedness Consortium, (NDPC) whose purpose it is to develop and deliver Department of Homeland Security, DHS certified courses to local, state and federal responder jurisdictions to include the military in the United States and to similar organizations world-wide.
18. NCBRT's mission is to help America prevent, prepare for, respond to and recover from acts of domestic and international terrorism, weapons of mass destruction and high consequence events through teaching, training, technical assistance and research. NCBRT is the nationally recognized leader in biological incident, food and agriculture security and law enforcement training.
19. Additional Instructional and related experience in which I apply my threat assessment experience includes the following:

I developed the Dignitary Security Plan for the World Cup Soccer Venue held at Stanford University. I coordinated security-training exercises, administered post orders, managed and evaluated 350 security personnel assigned to the matches.

As a lead instructor and SME for NCBRT, I am responsible for assisting the instructional teams during the on-going development, delivery and periodic updates of numerous responder courses bulleted below. As a developmental instructor, I periodically represent the NCBRT at course matrix reviews conducted by CRA (Community Research Associates). These courses receive formal approval from the DHS, Federal Emergency Management Agency with

their Training & Exercise Integration (TEI), Training Operations Division. I am currently assisting with the research and development of new public safety training initiatives on behalf of DHS.

I am an elected member of the NCBRT Law Enforcement Advisory Council for the NCBRT. The elected members are SME's representing diverse responder disciplines with the average experience of 20 plus years in their given responder fields. They provide leadership to the Nation's responder training strategy and course development initiatives. Meetings provide a forum for discussion of current issues and new training initiatives needed to address emerging threats. Important agenda items include the identification of current law enforcement training needs and strategic methods for filling existing training gaps.

From 2012 – 2013, I taught six (6) separate Threat Assessment courses to the Jordanian Royal Air Force, Jordanian Royal Navy and Jordanian public service organizations aimed at proactively identifying and protecting against chemical weapons threats posed by Syria to both the military and the country of Jordan. Each of these week-long courses discussed how to definitively identify the threats, the physical properties of the chemical weapons, the vulnerabilities of responders and the public to these threats and implement better collaborative efforts to effectively prepare for and counter these threats.

20. I am a premises liability expert in a variety of premises liability cases and provide testimony in associated litigation. A core element in these cases includes whether or not a vulnerability of bodily harm exists and how to accurately assess vulnerabilities to people in this context.
6. In my 20-year law enforcement career and 22 years as a security consultant, I have conducted well over 1,200 formalized threat assessments and an equal number, well over 1,000, informal threat assessments and related threat assessment training events. These have been conducted over a 42-year period to diverse domestic and international organizations seeking to develop from scratch and/or refine security strategies and plans aimed at identifying threats to both people and infrastructure. These efforts were accomplished during a 20-year Secret Service career complimented with 22 years performing security-consulting services as a consultant.
7. I currently devote approximately 85% of my time conducting threat assessments by performing security risk assessments and training for a

variety of public and private organizations worldwide. These assessments include integrating the training for public and private responder organizations in the theoretical and practical methodologies in recognizing, assessing and responding to threats. Examples of threat assessments specifically focused on identifying safety and security threats of physical harm to people and organizations I have conducted since 1994 include the following:

- The World Cup Soccer Venue – Stanford, CA
- The Brunei Embassy – Washington, DC
- US Airways – New York, NY
- Gate Gourmet (formerly Dobbs Catering) – Memphis, TN
- The Hawaiian Department of Transportation – Oahu, HI
- United Emirates Royal Army Officer Corps – United Arab Emirates
- The International Monetary Fund – Washington, DC
- United Emirates Royal Family Dubai-London Properties – London, UK
- United Arab Emirates Royal Family Country Estates – North London, UK
- United Arab Emirates Royal Family Equestrian Farms – North London, UK
- Bush-Cheney Presidential Campaign Transition Offices (2000) – McLean, VA
- Bush-Cheney Presidential Campaign Offices (2004) – Arlington, VA
- Oprah Winfree residence – Santa Barbara, CA
- Harvard University – Cambridge, MA
- George Washington University – Washington, DC
- NASCAR – Daytona Beach, FL
- The Carolina Health Care System – Charlotte, NC
- Aetna Insurance Company – Hartford, CT
- Ayaan Hirsi Ali – Netherlands
- The Langley School, Langley, VA
- Lincoln Properties, Arlington, VA
- The American Battle & Monuments Commission WWII Memorial Dedication – Arlington, VA and Washington, DC
- Harpo Studios Security Department – Chicago, IL
- Family Feud Show – Chicago, IL
- Lextran Transit Authority – Lexington, KY

- The Jordanian Government and Royal Family Government Buildings and residence – Amman, Jordan
- The Jordanian Secret Service – Amman, Jordan
- The Jordanian Royal Air Force and Royal Navy – Amman, Jordan
- Exxon/Mobil Corporation – Irving, TX
- Kinross Mining Company – Toronto, Canada
- Banbury Fund, Jupiter, FL
- RLJ Companies, Bethesda, MD
- Michael Jordan residences – Chicago, IL & Jupiter, FL
- Times Square Church, New York, NY
- Frederick Memorial Hospital – Frederick, MD
- The Middleburg Heights School System – Middleburg, OH
- Inovalon Medical Data and meta-analysis company – Bowie, MD
- Lake Tahoe School – Incline Village, NV

21. It is important to note that my collective Secret Service experience conducting security advance surveys, my experience as a security consultant and DHS Emergency Responder instructor responsibilities performing threat assessment related research, training and field work; I am of the firm opinion that greater risk is associated with “soft” targets versus “hard” targets. A soft target is generally accessible to the public. It is not typically secured with robust security barriers. Soft targets have little variability, are unarmed and have a predictable pattern of access and egress inviting the public. Soft targets are not fortified with weapons or sophisticated barriers especially if the organization and its mission are business/retail oriented. In the case of pharmacies, their purpose is to engage and provide important retail services to the public. Hard targets usually have the capability to perceive and detect a threat or threat(s), have trained personnel assigned to deter and respond to threat and often have funding and the capacity to build and fortify an infrastructure to counter these threats. Hard targets are often armed with security personnel, actual weapons, technology and an integrated security infrastructure to identify and neutralize threats.

22. Accordingly, compounding companies and pharmacies by their nature are soft targets. Compounding companies and pharmacies have limited or no hard target protection or the capability to effectively deter or respond to a physical attack, bomb or physical sabotage. Compounding companies typically have limited security and are not prepared to deploy a cadre of armed guards to

counter organized attacks. Pharmacies have even less security to deter let alone engage a threat to counter an attack. Their general security posture is a reactive one. Pharmacies provide medical prescriptions and medical supplies to the public in a public and predictable way and are easily vulnerable to assault, attack and sabotage.

23. The threat assessment methodology applies the rationale as to whether or not the public disclosure of the identity of a retail or compounding pharmacy open to the public in an urban area of a typical city would pose a significant and substantial threat of physical harm.
24. The detailed studies and research I have conducted in this and other similar cases include the following categories and results. It is noted that this research, combined with my 42 years of experience in conducting threat assessments, both in the public and private sectors, were instrumental in the process of my formulation of my opinions in this case.
25. The following are examples and open source research that validate the assertion that withholding information is necessary to insure the safety and security of official personnel associated with controversial issues. Specific, documented instances examples of incidents of violence and/or threats of violence are noted as follows:
 - On October 6, 2013, the Woodlands Pharmacy in Tulsa, OK received harassing emails/blogs from Professor Humez after their name was made public complaining about the pharmacy and owner (by name) as providing “poison to the Texas Department of Justice...to kill...and includes a picture of a screaming and exploding head at the beginning of the email, stating “The Pharmacist who approves the business of killing, but only under the veil of secrecy.”
 - On January 29, 2014, an excerpt from an email to an Apothecary in Tulsa, authored by Professor Humez states: “Still, were I you I’d at least want to beef up my security now that you’ve been put in the spotlight as a likely supplier and failed to issue a flat denial. As the folks at the federal building can tell you, it only takes one fanatic with a truckload of fertilizer to make a real dent in business as usual.” This Apothecary supplied execution drugs to the State of Missouri.
 - An email from Professor Humez to Maurie Levin, Plaintiff in the State of Texas’ case dated July 20, 2014 contains several excerpts where he actually agrees with the Oklahoma AG “...that keeping the source of illicit drugs secret...” He contextualizes as a killing machine with this: “Nevertheless, I

do know that are extremists in the right to life movement who would regard destroying a death drug factory as equally justified with blowing up an abortion clinic or...bombing the tracks that led to Auschwitz.”

- Gavin de Becker, a global expert on the prediction and prevention of violence, has published numerous articles and books detailing anti-assassination strategies and the pre-attack preparations of would be attackers. He has managed more than 40,000 cases of threat and attack preparation and behaviors targeting individuals by attackers, terrorists and stalkers. Relevant to this and related cases, de Becker has made a compelling case for predicting violence based on validated factors. The key assertions he makes are as follows:
 - “Every successful attack in world history relied on some advance knowledge of the target’s upcoming location, movements or protective strategies.”
 - “...anger and hate play much less a role in the selection process than perceived approachability and accessibility.”
 - “...targets are selected based upon the targets’ accessibility, which is directly linked to the amount of information they can gain about the target prior to the attack.”
- The finding by the court in the Texas case of *Cox Texas Newspapers, et al. v. Texas Department of Public Safety* regarding keeping administrative documents regarding the Texas Governor’s travel itinerary and travel vouchers of the public safety officers protecting the Governor out of public view is relevant. An excerpt of the ruling states the following: “...the public’s right to *complete information* must yield when disclosure of that information would substantially threaten physical harm.”
- Assertions by both the Texas Department of Public Safety and Department of State officials (Brad Livingston, Executive Director of the Texas Department of Criminal Justice and Steven McCraw, Director of the Texas Department of Public Safety) that there is a substantial threat of physical harm to the public and employees of a compounding pharmacy if the name of a lethal drug supplier is released.
- Assertion of Robert W. Starnes, former Regional Director of Foreign Missions of the U. S. State Department charged with the protection of official dignitaries that public release of documents identifying travel itineraries could result in a substantial threat of physical harm to the dignitary and official personnel supporting same dignitary.
- Assertion by David Armistead, Deputy Assistant Director of the Texas Department of Public Safety and Fred Burton, VP, Intelligence of Stratfor

- Enterprises for Intelligence and former State Department protective agent that the disclosure of travel records of state appointed officials would jeopardize the security and safety of the protectees, the public and protective detail members.
- CBS/AP report of August 3, 2014 and Tulsa World News Corp. (Tulsa, OK) August 16, 2014 report citing official state records showing the Oklahoma Department of Corrections has increased security for Robert Patton, security director following threatening phone calls and emails he received after a botched execution of Clayton Lockett on April 29, 2014.
 - The Tulsa World reported further that records show the department bought a bullet-resistant sport utility vehicle with tinted windows for agency Director Robert Patton at a total cost of \$40,587 and is now accompanied by bodyguards.
 - The 2014 death threats against the Director of Texas Prisons
 - The 2013 assassination of the Director of the Prisons in Colorado.
 - Abortion drug manufacturers receiving threats:
 - Teva Pharmaceutical Industries - Manufactures Plan B morning-after pill http://www.huffingtonpost.com/2014/04/01/hobby-lobby-invests-in-em_n_5070279.html
 - Financial: Christianpress.com encouraging readers to pull all investment funds from Teva and boycott due to abortion pill <http://www.christianpress.com/opinion/columns/financial-issues-stewardship-ministries/634-teva-stock-putting-your-morals-where-your-money-is.html>
 - Messaged security officer Kurt Waier on 9/4. This entry is a placeholder for a response to our inquiry for the above named security officer. No response was received.
 - Danco Laboratories - Distributes Mifepristone (RU-486) <http://en.wikipedia.org/wiki/Mifepristone>
 - 1988: drug maker suspends production "due to anti-abortionist threats to the company and its employees. The threats referred to were related to a commercial boycott of Roussel's pharmaceutical products." <https://www.spuc.org.uk/education/abortion/ru486>
 - Feb 2010: Woman live-tweets her abortion experience after taking RU-486 & claims she "received death threats and postings on her blog that have labeled her a baby killer."

- <http://abcnews.go.com/Technology/angie-jackson-live-tweets-abortion/story?id=9937689>
 - [Groups like “National Right To Life” publish detailed information on drug manufacturers in an effort to eliminate “confusion” for its followers. http://www.nrlc.org/abortion/ru486/](http://www.nrlc.org/abortion/ru486/)
 - [Pfizer - Manufactures the abortion-inducing drugs Cytotec and Prostin E2 http://www.huffingtonpost.com/2014/04/01/hobby-lobby-invests-in-em_n_5070279.html](http://www.huffingtonpost.com/2014/04/01/hobby-lobby-invests-in-em_n_5070279.html)
 - [April, presumably 2014: Amy George Petruff wants to protest Pfizer for producing abortion-inducing drugs https://www.facebook.com/clarkhoward/posts/10152987965929572?stream_ref=5](https://www.facebook.com/clarkhoward/posts/10152987965929572?stream_ref=5)
 - [Messaged security officer Scott Bloom on 9/4. This entry is a placeholder for a response to our inquiry for the above named security officer. No response was received.](#)
- Groups or Individuals active in both anti-death penalty & anti-abortion:
 - [Missionaries of the Precious Blood are a Catholic community that are actively pro-life and against capital punishment. http://www.kcprovince.org/respect-life-month/](http://www.kcprovince.org/respect-life-month/) Members “put[s] pressure on the supplier” outside an Oklahoma pharmacy providing lethal injection drugs in Feb 2014. <http://www.kcprovince.org/madp-protests-oklahoma-pharmacy/>
 - [Christian Democrats of America are “pro-all-life”: life for the unborn as well as the prisoner. http://www.christiandemocratsofamerica.org/the-issues/pro-life-issues/](http://www.christiandemocratsofamerica.org/the-issues/pro-life-issues/)
 - [An atheist who is pro-life and anti-capital punishment http://freeradicalnetwork.com/matters-of-life-and-death-2/](http://freeradicalnetwork.com/matters-of-life-and-death-2/)
- Drug Manufacturers & Distributors – threats of violence (non-abortion related threats)
 - [March 2014: Chimerix CEO receives death threats before giving experimental drug to child http://www.newsobserver.com/2014/03/12/3696963/chimerix-ceo-faced-death-threats.html](http://www.newsobserver.com/2014/03/12/3696963/chimerix-ceo-faced-death-threats.html)
 - [May 2005: Animal rights activists firebomb car of Canaccord’s Director for investing in Phytopharm.](#)

<http://www.thisismoney.co.uk/money/news/article-1591370/Drugmakers-seek-funds-to-fight-terrorists.html>

- March 2014 – Johnson & Johnson reports someone is trying to extort money from the company by threatening to poison some of its products. GlaxoSmithKline reports someone has been altering an over-the-counter weight-loss drug.
<http://www.fiercepharmamanufacturing.com/story/gsk-says-someone-tampered-alli-bottles/2014-03-26>
- November 2010 – bomb threat at Novartis headquarters in Emeryville, CA <http://emeryvilletattler.blogspot.com/2010/11/novartis-bomb-scare-defused.html>
- August 2008 – Bomb scare at Bayer plant in West Berkley, CA
<http://www.berkeleydailyplanet.com/issue/2008-08-07/article/30812?headline=Bomb-Scare-at-Bayer-Plant-Halts-Seventh-Street-Traffic--By-Richard-Brenneman>
- February 2005 – GlaxoSmithKline investigated a bomb threat in research triangle park, North Carolina.
<http://www.opinionbug.com/227/glaxosmithkline-investigating-possible-bomb-threat-in-rtp/>
- August 2003 – two bombs explode at Chiron Corporation offices (now Novartis). Suspect remains at large ten years later.
<http://evilleeye.com/news-commentary/crime/novartis-bombing-suspect-still-at-large-10-years-later/>
- Bomb scare at Bristol-Myers Squibb in Plainsboro, NJ
<http://www.guard1.com/Resources/User-Profiles/Bristol-Myers-Squibb.aspx>
- Prisons / Department of Corrections – threats of violence
 - Numerous in-house prison and jail uprisings injure or kill prison employees on a regular basis. 571 killed in the line of duty, including 176 shot and killed, 146 stabbed, 89 beaten to death.
<http://www.nlecomf.org/officers/stories/honoring-fallen-corrections.html>
 - August 2014 - ISIS demanded Fort Worth, Texas prisoner Aafia Siddiqui in exchange for U.S. hostages prior to killing James Foley.
<http://www.mysanantonio.com/news/local/article/ISIS-demanded-Texas-prisoner-in-exchange-for-US-5705749.php>

- August 2014 - Security increased for Oklahoma prison director after botched execution in April. <http://www.koco.com/news/security-increased-for-oklahoma-prisons-director/27295306?tru=bJx46i#ixzz39Rbkwbq>
- May 2014 – Security increased at the federal penitentiary in Florence, Colorado after an anonymous caller threatened to help inmates escape. <http://www.9news.com/story/news/2014/05/16/federal-prison-increases-security-after-threat/9189313/>
- March 2013 – Tom Clements, Head of Colorado Department of Corrections, assassinated at his home. http://www.nj.com/news/index.ssf/2013/03/killing_of_colorado_prison_chi.html
- March 2010 – Robert Johnson, South Carolina corrections officer, shot six times in his home and survived. “hit ordered by an inmate with a cellphone.” http://www.scnw.com/news/state/article_068c1702-2305-11e4-a299-0017a43b2370.html
- January 1989 – Michael Francke, Head of Oregon Department of Corrections, killed outside his office. http://en.wikipedia.org/wiki/Michael_Francke
- June 1985 – Virdeen Willis Jr, assistant state prison warden, was killed outside a Chicago tavern. <http://www.odmp.org/officer/14299-assistant-warden-virdeen-willis-jr>
- The Medical Profession – threats of violence
 - Hospitals
 - The CDC issued a report in 2002 and last updated the corresponding web page on 6 June 2014 discussing the high threat of workplace violence in hospitals. In fact, the CDC claims the following groups are at risk: “Although anyone working in a hospital may become a victim of violence, nurses and aides who have the most direct contact with patients are at higher risk. Other hospital personnel at increased risk of violence include emergency response personnel, hospital safety officers, and all health care providers.” <http://www.cdc.gov/niosh/docs/2002-101/>
 - Doctors
 - August 2014 – Doctors in El Paso, TX and Albuquerque, NM are receiving threatening phone calls claiming their children are kidnapped and demanding a ransom.

- <http://www.abqjournal.com/448291/news/doctor-man-on-phone-threatened-to-kill-my-daughter.html>
 - August 2014 – Doctor threatened at gunpoint outside medical clinic in Odessa, TX in attempted carjacking.
<http://www.permianbasin360.com/story/d/story/update-man-wanted-by-police-after-threatening-doct/17557/xEHGBGHuHUOI/Z4JBf5Pbyg>
 - July 2012 – David Shepard murdered Dr. Joseph Sonnier in Lubbock, TX. Shepard was hired to commit the crime by a plastic surgeon angry about a love triangle.
 - May 2011 – Disgruntled patient Nelson Flecha shoots and kills Dr. Dmitriy Nikitin in Florida. Flecha had no prior criminal record in FL.
 - These entries are the result of Bing or Google search for doctors/physicians who have been assaulted or killed in the past few years.
 - Abortion Clinics
 - History of “Morally Justifiable” Violence
<https://www.prochoice.org/about-abortion/violence/history-violence.html>
 - First reported arson in 1976 and bombing in 1978, including Olympic Park bomber Eric Rudolph destroying a Birmingham AL clinic in 1998.
<https://www.prochoice.org/about-abortion/violence/arsons.htm>
 - Texas cases (solved): Unsuccessful Austin bombing in 4/2007 (Paul Ross Evans sentenced to 40 years); Arson in Houston 10/1993 (Joshua Graff pled guilty & spent 3 years in prison)
 - Texas cases (unsolved): Arson 7/2011, 6/2002, 2/1993, 1/1992, 12/1988 (3 incidents), 2/1985, 11/1984, 9/1984 (4 incidents), 8/1984; Acid Attacks 7/1998 (4 incidents).
 - These entries are the result of searches for attacks and/or violence on Abortion Clinics. They represent the responses to Google searches. Some of the searches come from Wikipedia, which provides a chronology of violence against abortion clinics.
 - First murder in 1993, including Dr. George Tiller in Kansas 2009.
<https://www.prochoice.org/about-abortion/violence/history-extreme.html>

- First Anthrax threat letter 1998; 554 letters sent by Clayton Waagner in 2001
<https://www.prochoice.org/about-abortion/violence/anthrax.html>
- According to National Abortion Federation, “nearly 90% of abortion providers had patients entering their facility express concerns about their personal safety” and “more than 80% of abortion providers have called law enforcement because of safety, access, or criminal activity concerns.”
www.prochoice.org
- Abortion Violence Statistics, 1977-2103
<https://www.prochoice.org/about-abortion/violence/documents/Stats-Table-2013.pdf>
 - Violence: 8 murder, 17 attempted murder, 42 bombings, 181 arson, 1495 vandalism, 2482 trespassing, 100 acid attacks, 428 death threats
 - Disruption: 15934 hate mail/harassing calls, 170710 picketing, 661 bomb threats
 - Clinic Blockades: 33839 arrests made
- Miscellaneous Groups that threaten, stalk, or advocate violence
 - August 2014 - Texas antiabortion groups, including the Catholic Pro-Life Committee of North Texas, holds training session teaching activists how to stalk patients and doctors, monitor license plates, search tax records, and intimidate anyone attempting to enter a clinic.
<http://www.salon.com/2014/08/12/frightening-audio-reveals-how-texas-antiabortion-groups-track-patients-and-doctors/>;
<http://www.prochoicetexas.org/media/press/20140812.shtml>
 - According to the Southern Poverty Law Center, there are 57 hate groups currently in Texas, ranging from White Nationalists to Black Separatists.
<http://www.splcenter.org/get-informed/hate-map#s=TX>
 - Army of God claims shooting of Kansas Dr. George Tiller was a justifiable homicide. The anti-abortion group also claims Clayton Waagner as a member when Waagner sent hundreds of anthrax hoax letters to abortion clinics. <http://www.armyofgod.com/>
- Anti-Death Penalty Groups, vocal but nonviolent
 - National Coalition to Abolish the Death Penalty www.ncadp.org
 - Amnesty International <http://www.amnesty.org/en/death-penalty>

- Texas Death Penalty Abolition Movement
<http://www.abolitionmovement.org/>
- Campaign to End the Death Penalty <http://www.nodeathpenalty.org/>
- International Committee Against Death Penalty
<http://www.icomdp.org/>
- Links to various Abolitionist Organizations
http://freejarvis.org/abolish/abolish_12.html
- Death Penalty Protests / Harassment
 - Jan 2012 - Fourteen arrested at Supreme Court Death Penalty protest
http://www.huffingtonpost.com/2012/01/17/supreme-court-arrest-death-penalty_n_1210547.html
 - 2011 – Prior to Troy Davis execution in Georgia, supporters urged prison workers to stay home and posted a judge's phone number online. After the execution, 13 people (12 students & one teacher) protested outside the White House and were arrested.
http://www.washingtonpost.com/national/troy-davis-execution-sparks-anti-death-penalty-backlash-protests/2011/09/22/gIQAQawOoK_story.html
 - January 2007 – Six protestors arrested in Washington DC after unfurling a “Stop Executions” banner in front of the Supreme Court.
<http://www.cncpunishment.com/forums/showthread.php?5010-D-C-Court-Upholds-Arrest-of-Death-Penalty-Protesters-at-Supreme-Court>
 - February 2004 – Four people were arrested for blocking the entrance to California's San Quentin Prison while protesting the execution of Kevin Cooper. <http://www.sfgate.com/politics/joegarofoli/article/4-arrested-at-death-penalty-protest-S-F-2802321.php>
 - March 2001 – three people arrested in Oklahoma City at death penalty protest. <http://newsok.com/death-penalty-protest-peaceful-gathering-leads-to-three-arrests/article/2732319>
 - June 2000 – a self proclaimed anarchist and seven colleagues were arrested in Huntsville, Texas after attempting to stop the execution of Gary Graham. Five minutes before the execution was scheduled to occur, protestors ripped down a barricade and rushed the execution house before being subdued by police.
<http://www.spectacle.org/0700/action.html>
 - March 2000 - Washington DC authorities detained 150 demonstrators after a protest in support of Pennsylvania's Mumia Abu-Jamal. A similar

protest in San Francisco resulted in 164 arrests.

<https://www.wsws.org/en/articles/2000/03/maj-m01.html>

- Social Media Intelligence analysis
 - Initial search:
 - Search Parameters - texas death penalty, ncadp, pentobarbital, deathpenalty texas, compounding pharmacy, #pentobarbital, #pentobarbital, @PentobarbitalX, @gregabbott_tx, @TxDPS
 - Results – 194,000+ key influencers evaluated. Any/all death penalty results completely obscured by countless social media posts referencing @gregabbott_tx's political campaign & the recent arrest of Gov. Perry.
 - Secondary search:
 - Search Parameters - texas death penalty, @ncadp, pentobarbital, deathpenalty texas, compounding pharmacy, #pentobarbital, #pentobarbital, @PentobarbitalX
 - Results – 185,000+ key influencers evaluated. No evidence of threats found. Many petitions, “spread the word” campaigns, retweets of famous quotes or statistics.
- USA TODAY's April 3, 2014 article citing the Supreme Court decision to refuse to halt the execution of Tommy Lynn Sells, convicted serial killer by lethal injection. The Supreme Court made this decision despite complaints of secrecy surrounding the drugs being used to kill him. Sells' Supreme Court petition listed a variety of defendants (state officials and unknown executioners). The attorneys for Sells argued for transparency on the grounds of ensuring that executions are humane and constitutional.
- LENS' April 7, 2014 article reporting the U.S. Supreme Court's decision refusing to hear a key Louisiana death-penalty case and a Missouri case, both of which would have forced states to divulge where they acquired their lethal-injection drugs. These decisions come in the wake of increasing focus on capital using lethal chemicals. States are seeking alternative methods to kill death row inmates amid lethal-injection drug shortages.
- Death-row inmate Christopher Sepulvado in Louisiana has argued he has a

constitutional due-process right *to know how he will be killed*. Specifically, he and his attorneys want to know what drugs will be used and where they were manufactured and tested.

(“In these cases, the court’s decisions mark the end for those particular legal efforts, and could allow states to continue to argue for secrecy when it comes to lethal injection.”)

<http://thelensnola.org/2014/04/07/u-s-supreme-court-turns-down-louisiana-case-over-execution-protocol/>

- KGNS-TV’s (Houston AP) June 9, 2014 article reporting the U.S. Supreme Court’s refusing an appeal from Robert Campbell, a Texas death row inmate demanding the State of Texas reveal the source of the lethal injections drugs intended to execute him.
- In JURIST - Dateline publication article dated June 1, 2014 titled:
 - *Secrecy in Lethal Injection: How the Oklahoma Courts are Supporting a Deadly Double Standard*, issues of lethal drug shortages, alternative lethal injection protocols, pain experienced by the inmate receiving the injection, efficacy of the chemical(s) and balancing the death row prisoners’ constitutional claims with the state’s (or Department of Corrections) claim are addressed.

The claims are discussed as speculative from both sides:

From the inmate’s perspective; without knowledge of the identity of the drug, FDA oversight, manufacturer, pharmacy, etc., he or she will not know might actually happen and do not want to rely on this.

The states’ are asserting what might happen if the respective identities of the compounding agencies and distribution pharmacies are revealed. The prevailing perspective (speculation) is drug suppliers will receive threats and as a result will refuse to sell the lethal injection drugs. The courts seem to be supporting this notion and are supporting secrecy statutes.

- Another notable case includes the Michael Taylor and The Apothecary Shoppe Vigils and (peaceful, organized) protests held in Missouri and

- electrocution
- hanging
- nitrogen gas/gas chamber
- firing squad
- <http://abcnews.go.com/US/wireStory/nitrogen-gas-executions-approved-oklahoma-house-29354885>
- <http://www.boiseweekly.com/CityDesk/archives/2015/02/14/firing-squad-execution-bills-clear-houses-in-wyoming-utah>
- <http://www.washingtonpost.com/news/post-nation/wp/2014/05/22/the-recent-history-of-states-contemplating-firing-squads-and-other-execution-methods/>
- http://www.huffingtonpost.com/2015/02/12/oklahoma-gas-chamber_n_6657120.html

26. Additional documents and research reviewed related to this case include:

1. Emails and blogs related to executions and drug suppliers of execution drugs
2. Blog post with a picture of exploding head under caption “The Pharmacist who approves the business of killing, but only under the veil of secrecy.”
3. Information related to Texas, Oklahoma, Colorado, South Carolina, and Oregon Departments of Corrections
4. World Socialist Web Site Article by Kate Randall dated April 5, 2014
5. USA Today Article by Richard Wolf dated April 3, 2014
6. Jurist Article edited by Elizabeth Hand dated June 1, 2014
7. Columbia Journalism Review Article by Jonathan Peters dated May 12, 2014
8. Letter Ruling OR2014-09184
9. McCraw Threat Assessment dated March 7, 2014
10. Abortion drug makers receiving threats
11. Threats to pharmacies
12. Threats to prisons execution
13. Threats to pharmacies lethal injection
14. Threats to compounding pharmacies execution drugs
15. Safety concerns compounding companies and pharmacies
16. Incidents of threat compounding companies and pharmacies
17. Incidents of security threat compounding pharmacies lethal injection

18. Drug companies picketed lethal injection
19. Organized protests compounding pharmacies execution drugs
20. Michael Taylor Oklahoma protest and vigil
21. Premises security compounding pharmacy
22. Secrecy lethal injection
23. Transparency lethal injection
24. Protecting compounding pharmacies anti death penalty
25. Eighth Amendment lethal injection
26. Execution protocol prisons
27. Prison security execution policy
28. Prison security lethal injection
29. Violent protest prison lethal injection
30. First Amendment legal injection
31. Lethal injection procedures execution
32. European source lethal injection drugs
33. EU boycott execution drugs

27. Other material/resources

- <http://news.yahoo.com/recipe-disaster-difficulties-concocting-lethal-injection-164455867.html>
- http://www.dispatch.com/content/stories/local/2014/12/11/execution_secrecy_bill.html
- <http://www.wsws.org/en/articles/2015/02/24/virg-f24.html>
- http://herald-review.com/news/national/house-defeats-bill-allowing-lethal-injection-drug-secrecy/article_b9a8cc9a-a501-502c-b21f-b667cef31cca.html
- <http://www.ncsl.org/research/health/regulating-compounding-pharmacies.aspx>
- <http://thedianerchmshow.org/shows/2013-02-11/safety-concerns-compounding-pharmacies>
- <http://www.cbsnews.com/news/fda-investigators-find-safety-concerns-at-30-drug-compounding-pharmacies/>

- <http://news.wypr.org/post/botched-lethal-injection-executions-reignite-death-penalty-debate>
- <http://www.usatoday.com/story/news/nation/2015/01/23/supreme-court-execution-drug/22212827/>
- <http://www.texastribune.org/2014/12/11/tdcj-cant-keep-lethal-injection-drug-supplier-secr/>
- <http://www.politico.com/story/2015/02/oklahoma-death-penalty-gas-chamber-115094.html>
- <http://www.rcfp.org/browse-media-law-resources/news-media-law/news-media-and-law-spring-2014/lethal-secrecy>
- <http://www.deathpenaltyinfo.org/north-carolina-supreme-court-debates-doctors-roles-executions>
- <http://www.deathpenaltyinfo.org/node/5821>
- <http://www.deathpenaltyinfo.org/node/5821>
- <http://www.deathpenaltyinfo.org/node/5623/3>
- <http://www.workers.org/articles/2014/05/05/oklahoma-execution-exposes-death-penalty-cruel-usual/>
- <https://www.aclu.org/blog/capital-punishment/failed-experiments-stop-all-lethal-injections-now>
- <http://blogs.wsj.com/pharmalot/2014/12/17/compound-pharmacy-owners-and-employees-arrested-for-meningitis-outbreak/>
- https://scholar.google.com/scholar?start=10&q=related:8EMnc2FyQ4f0xM:scholar.google.com/&hl=en&as_sdt=0,5
- http://en.m.wikipedia.org/wiki/Lundbeck#2013_fine

- http://www.huffingtonpost.com/2015/01/14/ohio-lethal-injection_n_6473956.html
- <http://conservativesconcerned.org/?s=Secrecy>
- <http://conservativesconcerned.org/?s=Compounding>
- <http://conservativesconcerned.org/states-taking-action-on-the-death-penalty/>
- <http://conservativesconcerned.org/statement-on-the-arizona-botched-execution/>
- <https://www.facebook.com/events/196405237236634>
- <http://www.myfoxatlanta.com/story/22817941/ga-to-use-compounding-pharmacy-for-execution-drug>
- <http://abcnews.go.com/US/wireStory/execution-georgia-woman-postponed-problem-drug-29343826>
- <http://wanc.com/2014/12/23/states-use-of-execution-drugs-varies-widely/>
- <http://www.adn.com/article/20150304/georgia-orders-moratorium-executions-amid-questions-about-lethal-injections>

28. Meta analyses of more than 1,500 attacks word-wide demonstrate two overriding issues:

1. Public figures and public officials are at risk for attack,
2. Attackers conduct extensive research, and often succeed due to gaining seemingly small pieces of information.

Less information that is available about would-be targets, the more difficult it is to exploit the target with personal identifiers, locations and movements.

29. Based on the totality of my diverse threat assessment training and experience in the public and private sectors, my review of the documents listed above and open source publications, **I conclude there are reasonable grounds to conclude that withholding from public disclosure the identities of**

persons engaged in the manufacture, supply and distribution of compounding drugs used to carry out executions is necessary to insure their safety and security against physical harm or harassment.

30. Further, there is a significant and substantial threat of physical harm to the **compounding company/pharmacy, delivery personnel and pharmacist, as well as others in the vicinity of the compounding company/pharmacy** if the identity of the compounding company/pharmacy or pharmacist is publicly disclosed. My opinion is based, in part, on the following:

- a) The overall increase in crime generally, including shootings and bombings; and an increase in the number of terror cells in the United States;
- b) The sociopolitical climate surrounding certain issues of passion, including the amount of violence related to and directed at abortion clinics, abortion doctors, and businesses and universities involved in animal research;
- c) The volatility and overall risk of violence surrounding prisons generally and the death penalty specifically;
- d) The contagion effect that causes increased interest in an area, such as the attention to the execution process after the botched executions in Arizona and Oklahoma;
- e) There is insufficient data of documented violence against pharmacies and compounding pharmacies supplying execution drug(s) **to predict precisely the risk of violence** because compounding pharmacies quickly withdraw from the market once publicly identified. In doing so, the pharmacy/compounding pharmacy is no longer a target for the opponents or fanatics/extremist. **At the same time, the reduction in targets (compounding manufacturers and pharmacies) results in actually increasing the risk to the remaining compounding manufacturers and pharmacies;**
- f) The Internet has provided greater access to methods and materials by which people can carry out violence, as well as the mechanisms to spread the message to death penalty opponents and recruit additional members to these groups;

- g) Predicting who will perpetrate violence in these types of situations is almost impossible since those who perpetrate such violence often times give no prior warning or prior threat;
- h) Often the perpetrators of violence in these types of cases do not provide threats or warning prior to an attack;
- i) There are few ways to prevent violence or protect a pharmacist, pharmacy employees or bystanders who may be subject to violence at a retail pharmacy.

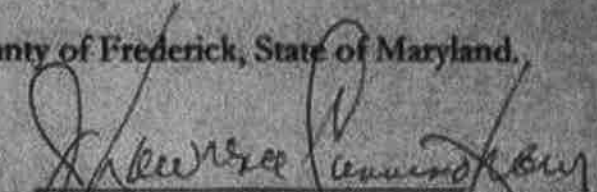
31. In order to accurately, realistically and more definitively assess a threat of physical harm, based upon proven and effective methodologies, it is important that the individual making this determination have significant experience spanning many years across a diverse range of historical and relevant examples coupled with commensurate and current training. Further, the person should understand and be involved in current local and national security issues at a practitioner and strategic level in order to fully understand the potential danger posed and the viability of threats in the current state of our nation.

It is of no relevance that a pharmacy or compounding pharmacy involved in providing the execution drug(s) has not yet been attacked, other than receiving harassing and threatening emails/blogs and protests. Based on my 42-years of threat assessment experience and training, it is my opinion that there have been no such attacks because thus far the suppliers, once publicly identified, ceased providing the drug(s), thereby minimizing the focus by those opposed to such conduct. There is simply no long-term history. In contrast, it is also my opinion, that if those persons, businesses and organizations involved in the abortion clinics and animal research matters had ceased their conduct, there likely would have been no attacks to those facilities and people. Because the conduct continued and was highly publicized with regard to the abortions and animal research, the fanatics and opponents continued with the threats and this eventually escalated to violence resulting in physical injuries to include death to citizens and damage to associated facilities involved in those activities. There is overwhelming and compelling evidence of this in open source and official public record documentation.

Finally, it is also my opinion there are reasonable grounds to conclude that withholding the identities of persons, from public disclosure, who supply, formulate and/or manufacture compounding drugs used in carrying out executions is necessary to insure their safety and security against harm or harassment.

32. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 23, 2016 in the County of Frederick, State of Maryland.


Lawrence Cunningham
Expert Witness

J. LAWRENCE CUNNINGHAM

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Frederick, MD 21702-3602
301/537-0993

Email: Cunninghamjl@comcast.net

Management and Security Background:

Possess supervisory experience in all aspects of United States Secret Service jurisdiction. During my 20-year career, I developed precedent setting programs, supervised protective detail shift agents and managed a major field office of investigations. I conducted lead presidential security advances and performed risk assessments for world leaders attending major domestic and international events. Consultancy experience includes the development and implementation of integrated emergency response plans, security-training programs and updated policies for private sector organizations, school systems, law enforcement agencies and military departments worldwide. These skills currently focus on the emerging terrorist threats facing public and private sector organizations worldwide.

Employment: SECURITY MANAGEMENT CONSULTANT,

*** Security Consultant 1994 - Present**

Founded Essential Security Strategies; ESS, LLC. I Conduct threat assessments, executive protection seminars, security personnel training and a variety of fraud investigations for public and private organizations worldwide. Assessments include the evaluation and formulation of crisis plans and the implementation of a wide range of security protocols. Clients include the Department of Homeland Security, the Defense Threat Reduction Agency, Exxon/Mobil, Harvard University, the International Monetary Fund, NASCAR, the Bush/Cheney Presidential Campaign, RLJ Companies, the American Battle Monuments Commission, The Texas Attorney General, The Ohio Attorney General, the George Washington University in DC, Harpo Studios in Chicago, IL, The Middleburg Heights, Ohio School System, U.S. Airways, Gate Gourmet, the Carolina HealthCare System, Inovalon, the United Arab Emirates Royal Army, the United Arab Emirates Royal Family, the Jordanian Military, the Jordanian Royal Family and other international companies. Serve as a security expert in a variety of premises liability cases and provide testimony in associated litigation.

*** Adjunct Faculty, National Domestic Preparedness Consortium, Baton Rouge, LA 2005 - present**

Currently serve as a lead subject matter expert and faculty member for The National Center for Biomedical Research & Training – Academy of Counter-Terrorist Education at Louisiana State University in Baton Rouge, LA. Periodically serve as course developer, course evaluator and lead instructor in the following seminars delivered to domestic and international audiences: *Executive Seminar: Prevention of, Response to and Recovery from Campus Emergencies, Prevention & Deterrence of Terrorist Acts, Site Protection through Observational Techniques, Critical Thinking & Analytic Methods, Practical Intelligence Writing & Briefing, Terrorist Threat Guidelines, The Instructor Development Workshop and Collective Protection Against Chemical Attacks.*

Hold several Department of Homeland Security teaching certifications and regularly instruct diverse emergency responder and academic audiences on security matters worldwide.

*** International Security Expert, U.S. State Department, Washington, DC 1995 - 2006**

Conducted senior crisis management seminars for cabinet level and ranking military officials of foreign governments in conjunction with the U.S. State Department.

*** Security Supervisor, Stanford, CA April 1994 - July 1994**

Developed and implemented the dignitary security plan for the Stanford University World Cup Soccer venue. Conducted emergency training exercises interfacing Bay Area law enforcement entities with Department of Defense personnel. Administered post orders and managed approximately 350 security personnel. Assignment involved evaluating the effectiveness of security personnel in their respective security roles. Prepared a comprehensive security manual and after-action report.

UNITED STATES SECRET SERVICE, Washington, DC 1974 - 1994

*** Agent in Charge, Office of Investigations, San Jose, CA 1987 - 1994**

Promoted to manage the most active Resident Office in the country. Protective responsibilities included the coordination and supervision of the security arrangements for the visits of world leaders to the Silicon Valley and contiguous counties in the San Francisco Bay Area. This included the review, proactive evaluation and investigation of the relevant intelligence impacting the security of the visiting dignitaries. Visiting dignitaries included Presidents of the United States, Presidential Candidates, Pope John Paul II, President Mikhail Gorbachev and other foreign Heads of State. The oversight of law enforcement personnel, motorcade routes, sites and communications included the development and integration of crisis management and emergency contingency plans.

Supervised the development and successful prosecution of 75 -100 domestic and international criminal cases each year to include complex telemarketing, computer hacking and "high tech" operations. Managed a significant number of threat cases yearly requiring the coordination of several law enforcement agencies. Streamlined the prosecution guidelines and procedures with the District Attorney and U.S. Attorney Offices. My office consistently compiled impressive arrest and conviction statistics--outperforming comparably staffed offices.

*** The White House, Presidential Protective Division, Washington, DC 1982 - 1987**

Conducted lead and site security advances for Presidential visits to Canada, France, Germany, Grenada and 20 domestic cities involving as many as 2000 police, military and ranking political entities. Guided the decision making process among these organizations to achieve mutually agreeable security plans. In addition to coordinating the physical security arrangements, advance duties included the evaluation of existing domestic and international threat intelligence of subversive organizations and individuals and their impact on Presidential visits. Periodically supervised the working security agents while traveling with the President to a variety of venues. Served as "advisor" to agents assigned their first lead security advances and conducted advance

agent seminars for all detail agents. Revised and updated the security surveys for two primary presidential sites.

*** Course Instructor, The Office of Training, Washington, DC 1979 - 1982**

In conjunction with my instructor assignments, revised and developed curricula in diverse areas of protective and investigative jurisdiction. Regularly instructed all levels of Secret Service personnel in these areas. Updated the theoretical and operational training curricula for the Presidential and Vice Presidential protective detail agents.

Researched and developed the revised physical fitness program adopted as policy by the Secret Service. Developed a stress management program for in-service agent personnel. Conducted Protective Operations Briefings for police departments nationwide.

*** Field Agent, Office of Investigations, Philadelphia, PA 1974 - 1979**

Assigned to the Intelligence, Counterfeit, Fraud and Forgery squads. Periodically supervised the intelligence squad's threat investigations and made assessments accordingly. Acquired significant trial experience. Performed liaison functions with the law enforcement and banking community.

Awards:

Earned seven Performance Awards. Received the Albert Gallatin Award for 20 years of meritorious Government service.

Education:

MT. ST. MARYS COLLEGE, Emmitsburg, MD, BA in Psychology / Science, May 1973.

Honors:

Magna cum laude; Monsignor Tierney Honor Society (awarded to the student who exemplifies the spirit of the college in God, community and scholarship.)

Communication and Organization Skills:

- Possess vast instructional experience with a diverse range of personnel associated with a variety of public safety agencies, military departments and businesses worldwide.
- Successfully negotiated security and protocol issues with foreign Heads of State and their representatives to achieve mutually agreeable resolutions during the security planning of international events.
- Proven ability to effectively organize and integrate police, ranking government personnel, media personnel and their resources at large venues involving emergency security planning and dignitary security.
- Conducted formal security briefings in foreign countries to business, protocol and police entities.
- German language proficiency

Media Appearances / Consultation:

- *Late Edition Sunday with Wolf Blitzer - Cable Network News, CNN*
- *Burden of Proof with Greta Van Susteren & Roger Cossack – CNN*
- *All Things Considered – National Public Radio*

Publications:

Published an article in *Security Management* magazine regarding cellular phone fraud. Cunningham, J. Lawrence. "Cutting Cell Fraud Frequency." *Security Management*, Oct. 1996: pgs. 42-46

Certifications:

The National Center for Biomedical Research & Training Academy of Counter-Terrorist Education, LSU Adjunct Faculty – DHS Certified Lead Instructor in the following courses: *Prevention & Deterrence of Terrorist Acts, Executive Seminar: Campus Emergencies, Integrated Response to a Weapons of Mass Destruction Incident, Site Protection through Observational Techniques, Critical Thinking & Analytic Methods, Practical Intelligence Writing & Briefing, Terrorist Threat Guidelines, The Instructor Development Workshop and Collective Protection from Chemical Weapons of Mass Destruction.*

Training:

Center for Creative Leadership, Leadership Development Program, Greensboro, NC, April 1992. Attended 32 specialized federal law enforcement schools and seminars.

Athletics:

Completed 51 marathons and numerous Ironman triathlons.

The Woodlands Compounding Pharmacy

2800 Research Forest Dr. Ste. A3

The Woodlands, TX 77061

Phone: 281-419-1340

Fax: 281-419-2101

October 4, 2015

Judge Larry Gilt
Board Member, Texas Board of Criminal Justice
Fax 817.306.9098

Grant Livingston
Texas Department of Criminal Justice
Fax 800.437.2123

Royce Collier
Deputy Executive Director, Texas Department of Criminal Justice
Fax 800.437.8888

Jason Clark
Information Director, Texas Department of Criminal Justice
Fax 800.437.8065

Region I Regional Director Richard Alford
Texas Department of Criminal Justice
Fax 800.437.2651

Region I Deputy Director Robert "Jay" Brown
Texas Department of Criminal Justice
Fax 800.437.2651

Katherine D. Hayes
Assistant Attorney General
Fax 817.800.6432

Dear Sirs and Madam:

I am the owner and pharmacist-in-charge of The Woodlands Compounding Pharmacy, the pharmacy that has provided TDCJ with state of compounded pharmaceuticals.

Based on the phone call I had with Gina Miller of TDCJ regarding his request for these drugs, including statements that she made to me, I was very happy that this information

Discovery Provided 4/28/2015
Page 118

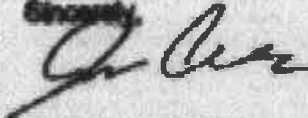
EXHIBIT B

would be kept on the "down low" and that it was unlikely that it would be discovered that my pharmacy provided these drugs. Based on Ms. Minor's requests, I took steps to ensure it would be private. However, the State of Texas misrepresented this fact because my name and the name of my pharmacy are posted all over the internet. Now that the information has been made public, I find myself in the middle of a firestorm that I was not advised of and did not bargain for. Had I known that this information would be made public, which the State implied it would not, I never would have agreed to provide the drugs to the TDCJ.

I, and my staff, are very busy operating our pharmacy, and do not have the time to deal with the constant inquiries from the press, the hate mail and messages, as well as getting dragged into the state's lawsuit with the prisoners, and possible future lawsuits. For these reasons, I must demand that TDCJ immediately return the vials of compounded pentobarbital in exchange for a refund.

Please contact me immediately to arrange for the return of the drugs. Otherwise I may have to ask the Court in the prisoners' lawsuit to consider my exposure.

Sincerely,



Jasper Lovel, RPh.

DJ Lenz

Name: dlenz@apothecaryonline.com
Sent: Wednesday, January 23, 2014 9:46 AM
To: Sarah Lenz DJ Lenz
Subject: Apothecary Film Cannot Use False Statements

Name: Prof. Humes
Email: sprotzman@earthlink.net
Phone: 4106222112

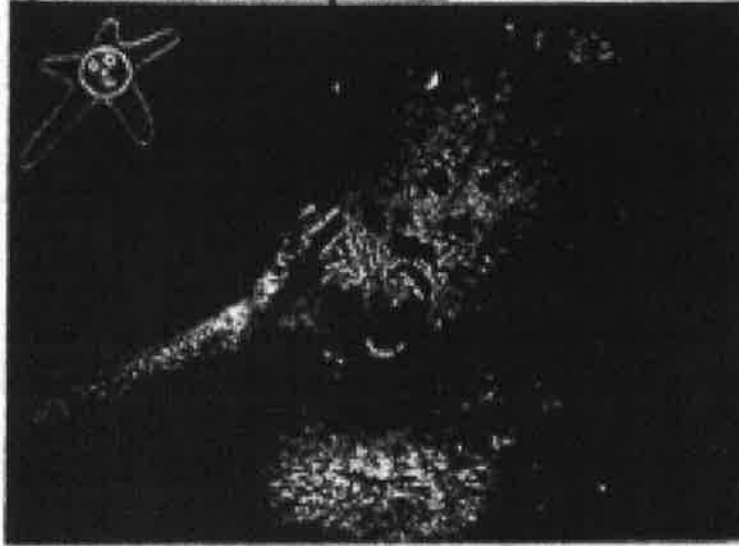
Message: Your site says nothing about pentobarbital. Do you compound it for the state of Missouri's department of corrections, as has been publicly alleged in an AP story that ran this morning, and if so, now that that story has gone public, do you think that is prudent? Seems to me that manufacturing a drug expressly to kill people flies in the face of one of those commandments Moses got from Jehovah on Sinai, but maybe I'm just being old-fashioned. Still, were I you I'd at least want to beef up my security now that you've been put in the spotlight as a likely supplier and failed to issue a flat denial. As the folks at the federal building can tell you, it only takes one fanatic with a truckload of fertilizer to make a real dent in business as usual. In your place, I'd either swear to the nation that my company didn't make execution drugs of ANY sort, and then make dang sure that's true, or else openly accept the burden of putting my employees and myself at unacceptable (and possibly unbearable) risk. Just sayin'.

Received Time Feb 25, 2014 1:34PM Ex. 0534

Discovery Provided 8/5/2015

The Pharmacist who approves the business of killing, but only under the veil of secrecy

By The Pentobarbital Experiment



October 6, 2013 – The Pharmacist who approves the business of killing, but only under the veil of secrecy

The state of Texas is now using compounding pharmacies to get its supply of killing drugs. The first winner of the death race is the **Woodlands Compounding Pharmacy**, which supplied 8 doses of home made Pentobarbital.

Meet the pharmacist who sold the medical ethics and shamed his profession for \$2,800. Mr. Jasper Lovoi, RPh, the man who had no issue selling the poison to TDCJ as long as he believed the identity of his company was protected and would not be revealed.

That worked fine from September 16th, 2013 (date of his infamous transaction with TDCJ) until October 1st, 2013 when three death row prisoners filed a lawsuit against TDCJ for using lethal drugs acquired via an unknown, and potentially illegal, source. Subsequently, TDCJ filed a response on October 2nd, which revealed the details of the purchase and the identity of the vendor.

On October 4th, the deceived and disappointed Mr. Lovoi sent a letter to TDCJ complaining about his identity and the details of the sale having been made

P EXP 025

Discovery Process 2015

public and requesting that TDCJ returns the drugs to his company. As you can tell from the letter, he is far more concerned about his business being disrupted by media calls and receiving messages than being involved in human killings in the first place!

It is one of these rare PentoX moments, and they don't occur frequently!

Undoubtedly, the Woodlands compounding pharmacy is the first but not the last one that will be fooled and tricked into selling its soul to the evil death machine.

<http://thepentobarbitalexperiment.wordpress.com/2013/10/06/the-pharmacist-who-approves-the-business-of-killing-but-only-under-the-veil-of-secrecy/#more-1335>

P EXP 026

000007

Discovery Pro EXHIBIT B 15

Manuel Quinto-Pozos

From: Maurice Levin <mauriclevin@gmail.com>
Sent: Friday, August 29, 2014 9:05 PM
To: Tom Parker - Sentinel
Cc: Philip Durst; Manuel Quinto-Pozos
Subject: Additional materials II

And the email correspondence with Professor Humez:

----- Forwarded message -----

From: Prof. Humez <ms@theisl.com>
Date: Sun, Jul 20, 2014 at 11:44 PM
Subject: chronology
To: Maurice Levin <mauriclevin@gmail.com>

Dear Ms. Levin:

The FBI (Special Agents Cusack and Sullivan) came to my house on April 8, 2014. The AP news story I referred to in which the reporters were skeptical about AG Pruitt's "threat" claim was published on April 3. Sometimes, as Thoreau said, the weight of circumstantial evidence is overwhelming, as when one finds a trout in the milk.

Thanks for the confidentiality guarantee. Obviously I am the identifiable sender of the e-mail and that the FBI visited me on that date is almost certainly available from a number of independent law enforcement sources.

Yours,

—Nick Humez

-----Original Message-----

From: Maurice Levin
Sent: Jul 20, 2014 10:00 PM
To: "Prof. Humez"
Subject: Re: Trying to reach Prof. Humez

Prof. Humez:


Thank you very much for this. The question for us is whether they really considered your email a threat, or if that was a "belief" they trumped up later to justify not disclosing the source of the drugs (a possibility you note). On this point, timing is important. Do you remember when it was that the FBI came to see you?

I will not use your name.

EXP 079

EXHIBIT B

Best regards,

 Laurie Levin

On Sun, Jul 20, 2014 at 5:48 PM, Prof. Alvarez wrote:

> Dear Ms. Levin:

>

> I regret what must have seemed unnecessary brusqueness earlier today when
> you told me that you merely used the address in the header of my e-mail
> remonstrance to the Apothecary Shoppe and it got through without being
> turned aside by my spamblocker settings. I thought at first that this was
> improbably enough to suggest that your name and address were being used to
> a government agency with authority to override such things and that the
> safest course was to decline further contact.

>

> However, having since determined that the cell phone number you gave me
> was legitimate, I want to apologize for a degree of suspicion that now
> seems unwarranted.

>

> There is a bit of back story that may explain my caution. I sent the
> e-mail, as you know, last winter, and thought no more about it. As I now
> recall, it was a followup to an earlier one inquiring if the establishment
> was indeed manufacturing execution drugs (as Rumpole of the Bailey famously
> put it, never ask a question of the man in the dock to which you do not
> already know the answer), the Apothecary Shoppe was foolish enough to be
> that they did not, whereupon I drafted the e-mail you have in hand, whence
> its references to the unwisdom of being untruthful (As a professor, I had
> zero tolerance for being lied to by my students, as plagiarists who tried
> it were quick to discover.)

>

> But beyond that, I wanted to make clear that now that it was generally
> known that the Apothecary Shoppe was in fact supplying such toxins, even if
> they did not see it as simply wrong, they needed to be aware that many
> others did, and that some of them might be dangerous to them, their
> employees, and the surrounding bystanders if even one fanatic (a term
> nobody ever uses to describe himself, note) with a rudimentary knowledge of
> improvised explosives chose to go on the attack. I felt, and thought I had
> made it clear, that they would be reckless not to consider this possibility
> and to take appropriate action at the very least to protect against it, as
> I would surely do were I in their place.

>

> I was more surprised than pleased to learn some months later, when two
> fellows from the FBI turned up on my doorstep, that at least some people
> chose to interpret this as a threat of any action on my part. And I believe
> I made it quite clear to the agents that this was not my intention, but
> rather to warn some apparently ignorant people of the heightened risk they

> were taking on now that the nature of their activities was known
 > nationwide.

> Obviously I hoped they would cease and desist, as they ultimately did, but
 > as the result of a court order, not through any agency on my part -- a fact
 > I only learned after the FBI's front-porch interview when I went to Google
 > to find out what was going on. I also learned that nobody had taken this as
 > a credible threat (even those who misread it AS a threat, which it was not)
 > and surmised that the FBI had been sent only because the AG had been
 > embarrassed in an interview where he tried to make the case that keeping
 > the source of these drugs secret was necessary to the sources from threats,
 > citing my e-mail as an example, and was embarrassed when a skeptical press
 > asked why nobody had taken it seriously for three months, including local
 > law enforcement authorities who dismissed it out of hand.

> The FBI agents told me that they were there because the Oklahoma FBI
 > office (presumably on prodding by the AG, who wanted not to look either
 > negligent of due diligence or like an idiot) got in touch with the
 > Cleveland office and they in turn called the FBI office in Painesville to
 > go out and check me out -- and while there, deliver a warning of their own:
 > That reading my e-mail as a threat placed me in jeopardy of criminal
 > indictment or civil suit or both (a pretty weighty threat in its own right,
 > I think you will agree). However, on questioning me they elicited the fact
 > that (1) I don't know squat about explosives, beyond what everybody knew
 > from the paper (that a major component of McVeigh's truck bomb was
 > fertilizer), and moreover that I had no prior connection with, nor plans to
 > be associated with, any organized anti-death-penalty groups.

> And I don't, which is why I must insist that this is off the record. If it
 > gets back to the FBI that I have talked to you -- why I thought your
 > original e-mail might have been a troll by them hijacking your account, in
 > fact -- I dare say there would be additional harassment which frankly I do
 > not want.

> And I need to make two points clear here:

> (1) As I told the two FBI agents, I am not absolutely and categorically
 > against executions, e.g. for gross crimes against humanity (the Nuremberg
 > defendants, Adolf Eichmann), providing the weight of the evidence is
 > absolutely overwhelming -- which is to say, vastly beyond the "reasonable
 > doubt" standard we use in the US for convictions today. Jefferson's
 > objection that he would be unalterably opposed to capital punishment on
 > epistemic ground -- "until the infallibility of human judgement be proved
 > to me" was how he put it, as I recall -- seems to me a compelling one.
 > Nevertheless, I do not think we would be doing any great injustice were the
 > maximum penalty even for "depraved indifference" murders to be life in
 > prison without the possibility of parole, as is now the ultimate penalty in
 > the civilized nations.

> (2) I actually agree with the Oklahoma AG that keeping the source of
 > illicit drugs secret allows one to keep buying from them; as one who

> undoubtedly prosecuted many drug dealers he should know. But I suspect that
> he and I are the only ones who seriously believe that there is a real risk
> here, and even then my own belief in it is both conjectural and lacking in
> the weight of evidence to support it. Nevertheless, I do know that there
> are extremists in the right-to-life movement who would regard destroying a
> death drug factory as equally justified with blowing up an abortion clinic
> or (as one highly intelligent Catholic convert I know put it) bombing the
> tracks that led to Auschwitz. But the actual events of the last six months
> have not borne out my worst fears in that respect.

> Feel free to draw on any of these arguments you see fit. Just do NOT use
> my name in connection with any of the above. I do not want these fellows
> turning up on my porch again.

> Sincerely yours,

> --Nick Humez

1994年10月10日 星期五

to the fact that the Government of the United States is not a party to the Convention, and that the Convention is not a treaty of the United States, and that the Convention is not a treaty of the United States, and that the Convention is not a treaty of the United States.

[illegible]

THE NEW YORK PUBLIC LIBRARY

陈其南

Someone who may have visited
Lynchburg

3752014

Google Reviews
The Woodlands Compounding Pharmacy

 **Stephanie Ellis**

4 months ago

As a supplier of the "Valium drug" to TDCJ, the integrity of this pharmacy should seriously be questioned. Mr. Lovel was perfectly fine with the transaction as long as he remained anonymous. So much for that, isn't he? I hope it was worth the money for you sir. Shame on you and your pharmacy. You aren't even worthy of the star I was required to select.

 **marlene morris**

4 months ago

Traverson I get to watch my friend get murdered by the state of Texas from drugs supplied by the Woodlands Compounding Pharmacy. I cannot believe any professional in the health care field would work ~~to~~ intentionally end human life. What sickens me more is the fact that this pharmacy only had a problem supplying this drug to TDCJ after the fact was made public, and think they can correct this wrong by simply asking for the drug back for a refund. I am disgusted this pharmacy is in such close proximity to my house. I will NEVER give my business to this pharmacy, and neither should you! Do the right thing, Woodlands Compounding Pharmacy, and don't sell any more drugs to TDCJ that can be used as a means to execute human beings!

 **Laurentha Blumfield**

4 months ago

I am totally disgusted and aghast to find out this company is supplying the TDCJ with the unlicensed drug to carry out its despicable executions. What is even more abhorrent to me is that the head of that company, Dr. Lovel is a man who took a sacred oath to preserve ALL human life at all costs. The drug his company supplied has already been used to murder a man who never even took a life. Their web site states that they are able to customise medication for children, and I quote, "to make just about any medication taste better, so it is easier for children to take". Can they provide a drug that will enable the children of parents ritually murdered by the State of Texas to cope with the aftermath. I somehow doubt this very much. I invite you to look in to just one of those children's eyes and give your reasons Dr Lovel, if you dare. The rest of the Western world has taken the decision to stop providing drugs for this barbaric use, come on America join them, the eyes of the world are watching.

 **Pat Hartwell**

4 months ago

Recently, The Woodlands Compounding Pharmacy had compounded and sold to the Texas Department of Corrections, a drug called Pentobarbital, which is used for the sole purpose of executions. Pharmacists are bound by the "Code of Ethics", in which nowhere is listed for them to supply drugs for killing people. The Woodlands Compounding Pharmacy received \$2800.00 for eight vials of this drug. Lundbeck, the former supplier, has stopped all shipments to the US when it is known that the Pentobarbital will be used to kill people.

02/16/2014 10:24 517700122

MURDER

PAGE 05/11
Page 1 of 1

Did you know you were selling drugs to the Texas Department of Corrections for "security"?

Please consider "TDC" selling security drugs to be used for maximum security.

Thanks,

Willie Wright

Investment (Investment) Inc.

2/19/2014

09/16/2014 14:24 0123726133

PAGE 09/11
Page 1 of 1

Inquiring

Sir,

I'm Patricia Victor, a journalist from France. Please can you confirm (or inform) that your company has sold a drug to YUCO in order to apply death penalty?

Sincerely

Patricia Victor

<https://small.mail.com/0x.html>

2/19/2014

0123726133

Discovery Provided 9/8/2015

Drugs

Your pathetic and infantile letter to the Texas authorities asking for the return of your lethal poison sickened me and countless others. Whatever happened to the Hypocritical oath? I hope that you are all god-fearing Americans who are now begging for mercy from your redeemer - and I hope above all that it won't be granted.

07 70 10 10 76

www.tlebrua@ant.com

et dites NON à la guerre - que la torture s'arrête
 NO to bullfighting - stop the bloody torture

<http://email.1and1.com/6/6x.html>

2/19/2014

EXHIBIT B

03/10/2014 16:24 5173286137

PAGE 10/11
Page 1 of 1

TOCJ

My friend

I hope you now see what dreadful and unmanly people work for the TOCJ. Their people will go to any lengths to murder those in their charge, even if its against the law.

There is a man call Michael who is due to be murdered tomorrow. I hope you get to hear about it. I hope your staff hear about it. I hope you know you were all instrumental in this mans death. Does that make you any better than any one of the men that reside within these cursed walls. No Sir it does not.

I hope you and your colleagues sleep well, listen in to conversation watch see what happens.

sent from my iPad

Impressions (Legal) Associates, Inc.

2/19/2014

EXHIBIT B

02/15/2014 10:14 2130000177

Page 50/11
Page 1 of 1

[Signed]

Tiger to know

I am totally and completely against and disgusted to find out your company is supplying the
 kids with the medication drug to carry out its despicable activities.

What is even more disturbing to me Mr. is that you are a doctor. I see the look on your
 face to preserve human life at all costs. The drug you have supplied has already been used
 to murder a man, who later even took another's life.

Just with such status under therapies, that you are able to customize medication for
 children "to make them about any medication taste better" which makes it easier for children
 to take.

Can you provide a drug that will enable the children of the men who are constitutionally
 punished by the State of Texas, to cope with that. Can you make a drug to bring those who
 are eternally locked back from the dead. No Sir you can not. Have you looked in to the
 eyes of a child who's father is to be constitutionally murdered. No Sir you have not. Instead
 had you have done so, you would not provide this drug to the DOJ and allow them to
 continue this barbaric method of so called justice.

The rest of the Western world has taken the decision to stop providing drugs for this
 unethical act. I urge you as a doctor, a man who should be prolonging life and making things
 better. A man who's oath should prevent him from being party to such heinous practices, to
 look at your companies policies and think again.

Yours sincerely

S. Smith
 sent from my iPad

a mother if on parole?

[Signature]

2/19/2014

Continuing Provided (S. Smith)

Page 1 of 1

AFFIDAVIT OF BRAD LIVINGSTON**STATE OF TEXAS**

§

COUNTY OF WALKER

§

§

Before me, the undersigned authority, personally appeared Brad Livingston, who, being by me duly sworn, deposed as follows:

"My name is Brad Livingston. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts as stated herein. I am currently employed as the Executive Director of the Texas Department of Criminal Justice (TDCJ) and have held that position since November 2004. Prior to that I was the Chief Financial Officer for TDCJ, a position I held from June 2001 to Jul 2005, and prior to that, I was the Deputy Chief Financial Officer from October 1997 to June 2001.

As the executive director, I oversee the entire Texas prison system and as such, I am very familiar with issues concerning the procurement of lethal injection chemicals for use in the executions we are required by law to perform. TDCJ and selling pharmacies have long been concerned about the safety of the pharmacists providing the drugs used in executions, based on hate mail and threats to the pharmacists. TDCJ's present difficulty in procuring lethal injection chemicals arose after the names of the pharmacy and pharmacist involved in the 2013 sales to TDCJ of compounded pentobarbital were disclosed to the public.

When it came time to consider the purchase of more pentobarbital at the beginning of March of 2014, I consulted with Steven McCraw, Director of the Texas Department of Public Safety (TDPS), about providing a threat assessment of threats to pharmacies who have been publicly identified as providing controlled substances to corrections departments, including the Texas Department of Criminal Justice for use in executions. We had recently been made aware of a very recent threat to a pharmacist and their pharmacy wherein it was threatened to place a truck filled with fertilizer in front of the pharmacy and blow it up so that it would threaten the pharmacy building, the pharmacist, the employees of the pharmacy, along with anyone else in the immediate area with death and grave bodily harm, if the pharmacy supplied chemicals to be used in executions.

Mr. McCraw's assessment of that threat, and of other material made available to law enforcement, was that some of the threats made to the pharmacy involved in the 2013 sales of pentobarbital should be taken seriously and that all threats should be reported to law enforcement as soon as they are received. The assessment additionally included the conclusion that pharmacies are by design easily accessible to the public and present a soft target to violent attacks, and that publicly linking a pharmacy or other drug supplier to the production of controlled substances to be used in executions presents a substantial threat of physical harm to the pharmacy, other drug supplier, and their personnel. A true and correct copy of the threat assessment is attached to this affidavit.

P EXP 022

000033

Discovery Provided 9/9/2015

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EXHIBIT B

Since the threat assessment provided by TDPS, TDCJ has been able to purchase pentobarbital only by ensuring that every effort would be taken to protect the identity and, thus, safety of the pharmacists involved. TDCJ sought the threat assessment because the level of potential harm to the suppliers of lethal injection drugs escalated from harassment to threats of substantial physical harm and death. One graphic example on the Internet, dated October 6, 2013, shows a graphic of the screaming and violently exploding head of the pharmacist who supplied TDCJ with lethal injection chemicals. A true and correct copy of that web page is attached to this affidavit and was downloaded March 26, 2014. The caption under the graphic is "The Pharmacist who approves the business of killing, but only under the veil of secrecy."

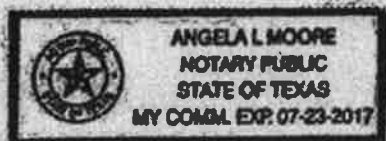
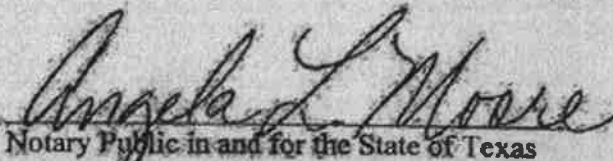
I believe that TDCJ is in a different position than it was in when TDCJ was ordered to publicly reveal the identities of the parties who participate in the process of supplying lethal injection chemicals for use in executions. The threats of harm have certainly escalated in degree and type, as I note in the previous paragraphs of this affidavit. I believe that revealing the identity of pharmacists, pharmacies, other drug suppliers, and those involved in the supply of the drugs, including the drug testing company, would only serve to jeopardize their personal physical safety and the public safety.

"Further affiant sayeth not."



Brad Livingston
Executive Director
Texas Department of Criminal Justice

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public, on this
the 27th day of March, 2014.

Notary Public in and for the State of Texas



Notary's Printed Name

TEXAS DEPARTMENT OF PUBLIC SAFETY

5905 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001
512/424-2000

WWW.DPS.TX.GOV



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
ROBERT J. BOOSCH, SR.
CHERYL MacBRIDE
DEPUTY DIRECTORS



COMMISSION
A. CYNTHIA LEON, CHAIR
CARIN MARCY BARTH
MARY FLORES
STEVEN P. MACH
RANDY WATSON

March 7, 2014

Mr. Brad Livingston
Executive Director
Texas Department of Criminal Justice
PO Box 99
Huntsville, Texas 77342-0099

Dear Director Livingston:

The purpose of this letter is to provide you the results of our assessment of threats including a terrorist threat, to pharmacies who have been publicly identified as providing controlled substances to corrections departments including, the Texas Department of Criminal Justice for the purpose of fulfilling its statutory obligation to execute prisoners.

It is our assessment that some of the threats made to the Woodlands Compounding Pharmacy that we identified should be taken seriously and we recommend that all threats received by the Woodlands Compounding Pharmacy be reported to law enforcement officials as soon as they receive them and that the employees receive training on the detection and reporting of suspicious activity.

Pharmacies by design are easily accessible to the public and present a soft target to violent attacks. It is our assessment that publicly linking a pharmacy or other drug supplier to the production of controlled substances to be used in executions presents a substantial threat of physical harm to the pharmacy, other drug supplier and its personnel and should be avoided to the greatest extent possible.

If you should like a detailed briefing of our assessment, please contact me at (512) 424-7771.

Sincerely,

Steven C. McCraw
Director

EQUAL OPPORTUNITY EMPLOYER
COURTESY • SERVICE • PROTECTION

P EXP 024

000035

Discovery Provided 9/9/2015

Page 147
EXHIBIT B

Manuel Quinto-Pozos

From: Maurie Levin <maurielevin@gmail.com>
Sent: Friday, August 29, 2014 9:05 PM
To: Tom Parker - Sentinel
Cc: Philip Durst; Manuel Quinto-Pozos
Subject: Additional materials II

And the email correspondence with Professor Humez:

----- Forwarded message -----

✓ **From:** Prof. Humez <mythclass@earthlink.net>
Date: Sun, Jul 20, 2014 at 11:44 PM
Subject: chronology
To: Maurie Levin <maurielevin@gmail.com>

Dear Ms. Levin:

The FBI (Special Agents Csaczak and Sullivan) came to my house on April 8, 2014. The AP news story I referred to in which the reporters were skeptical about AG Pruitt's "threat" claim was published on April 3. Sometimes, as Thoreau said, the weight of circumstantial evidence is overwhelming, as when one finds a trout in the milk.

Thanks for the confidentiality guarantee. Obviously I am the identifiable sender of the e-mail and that the FBI visited me on that date is almost certainly available from a number of independent law enforcement sources.

Yours,

--Nick Humez

-----Original Message-----

From: Maurie Levin
Sent: Jul 20, 2014 10:00 PM
To: "Prof. Humez"
Subject: Re: Trying to reach Prof. Humez

Prof. Humez:

Thank you very much for this. The question for us is whether they really considered your email a threat, or if that was a "belief" they trumped up later to justify not disclosing the source of the drugs (a possibility you note). On this point, timing is important. Do you remember when it was that the FBI came to see you?

I will not use your name.

SWORN DECLARATION OF RICHARD J. VICKERS

Under the penalty of perjury, I declare that the following is true and correct:

1. I am currently employed as an investigator with the Office of the Federal Public Defender, Capital Habeas Unit, Southern District of Ohio.
2. My presence was requested during a telephone conference call with CHU Research and Writing Attorney Nadia Wood, Assistant Federal Public Defender Allen L. Bohnert, and Nicholas D. Humez.
3. The telephone conference call occurred on September 2, 2015. The call began at approximately 4:00 p.m. and concluded at approximately 4:55 p.m.
4. During the conference call Nicholas D. Humez discussed authoring an email to the Apothecary Shoppe in Tulsa, Oklahoma on January 29, 2014.
5. During the conference call I learned the following information from Mr. Humez.
6. He is a United States citizen, he is 67 years old, and he has been married for nearly 10 years to his wife Leslie, who is a sculptor. They live in the distant Cleveland suburb of Painesville, Ohio.
7. Professor Humez was raised as a Unitarian. In college, he practiced no particular religion. He eventually came to identify as Episcopalian, but he is not currently a member of any parish.
8. As to his academic credentials and subsequent career, Professor Humez graduated from Harvard University in 1969, with a degree in English. He then opened a studio making silver jewelry and wholesaling it by mail to retail stores. Professor Humez also worked as a freelance proofreader, editor, and indexer for a variety of academic publishers including the university presses of Oxford, Rutgers, and Cambridge. He created indexes for 237 books and is currently finishing the index for the 238th.
9. In addition, as a music and art reporter for several newspapers in southern Maine, Professor Humez demystified the arts for ordinary readers. He wrote approximately 12,000 column-inches of music, art, and book reviews.
10. Professor Humez taught several classes on mythology and history as an adjunct professor, at Montclair State University and Rutgers University, both in New Jersey. For example, Professor Humez developed and taught "Yankees and Indians," a seminar exploring the geology, history, sociology, theology, and literature of New England up to 1800. Professor Humez also developed and taught a course on Greek and Latin roots of English, and another course in western mythology concentrating on Greece, Mesopotamia, and Scandinavia, with supplementary lectures on Persia, Egypt, Canaan and Israel, medieval and Celtic myth, trickster tales, and mythmaking in contemporary America.

11. Professor Humez published and co-authored a number of books and articles on languages and usage, including: *Latin for People/Latina pro Populo* (1976);¹ *Alpha to Omega: The Life and Times of the Greek Alphabet* (1981);² *A B C Et Cetera: The Life and Times of the Roman Alphabet* (1985).³
12. Professor Humez composes classical music, as well as folk/pop songs that he wrote to help his mythology classes learn the basic myths. The latter are available on a CD, *Myth Songs*, which he released in 2005.⁴
13. Professor Humez has served in a volunteer capacity for various arts and music non-profit organizations—most recently the board of Friends of Morley Library, Painesville, OH. In the past, he volunteered as an editor for the online magazine *PBR: A Journal of the Arts*, and co-founded the Maine Indexers' Group and the Maine Composers' Forum. He served as a board member of Friends of Music at Guilford, Inc. in Vermont, for 11 years.
14. Professor Humez routinely reads AP News Top Stories website as his daily news source. On or about January 29, 2014, he read an article on the AP website that identified the Apothecary Shoppe in Oklahoma as having provided compounded drugs to the State of Missouri to use in carrying out a lethal injection execution.
15. After reading the AP article, Professor Humez composed and submitted through an online form on the Apothecary Shoppe's website an inquiry as to whether the news report was accurate. The Apothecary Shoppe emailed him back, stating that they did not compound pentobarbital for use in lethal injections.
16. Professor Humez then followed up with a second email to the Apothecary Shoppe expressing his concern that perhaps the business's production of drugs to be used for an execution might have put the Apothecary Shoppe's employees and neighbors at risk. In his letter, Professor Humez encouraged the Apothecary Shoppe either to declare publicly that the business was not involved in producing death-penalty drugs if their response to him was indeed truthful, or to take measures to ensure the safety of the Apothecary Shoppe's employees if they did, in fact, provide drugs for executions. Professor Humez provided his name, email, and phone number so that the Apothecary Shoppe could contact him.

¹ Available on Amazon.com at <http://www.amazon.com/Latin-People-Latina-Pro-Populo/dp/0316381497/>

² Available on Amazon.com at <http://www.amazon.com/Alpha-Omega-Times-Greek-Alphabet/dp/087923377X>

³ Available on Amazon.com at <http://www.amazon.com/B-C-Cetera-Times-Roman-Alphabet/dp/1567921000/>

⁴ CD available for purchase at <http://www.mythsongs.com/>

17. Professor Humez is not against the death penalty in certain egregious situations, but he has never joined any organization that advocates either for or against the death penalty, he never became part of any movement, and he has never participated in any protests.
18. According to Professor Humez, his plea for the Apothecary Shoppe's employees' safety was based solely on his own perceptions about what someone upset and fanatical about the government might do, so he used an easily recognizable act of terrorism by a person who was motivated by anger at the government—the bombing of the Murrah Federal Building in Oklahoma City. All he knows about trucks, bombs, or fertilizer, however, is what he read in the newspapers around the time of that bombing. Professor Humez does not have a driver's license, he does not drive, he does not live on a farm, he does not raise any animals, and he does not have access to fertilizer.
19. Professor Humez is not a devoutly religious man, and he viewed Christian Bible stories as myths common with the two other Abrahamic religions, Judaism and Islam. His reference in the email to the Shoppe's supplying drugs to kill in an execution as flying "in the face of one of those commandments Moses got from Jehovah on Sinai" was a reference to the Biblical commandment "Thou shalt not kill," but it was not an invocation of his own religious beliefs. Instead, it was his attempt to help his intended audience understand his concerns by framing the issue in a context with which he assumed they would be familiar by virtue of how broadly the Biblical Ten Commandments are known.
20. Professor Humez has no information about any actual threats against the Apothecary Shoppe, and he was very insistent that he was not a threat in any way to the Apothecary Shoppe, then or now. His email was simply based on his personal belief that there *might* have been a slim chance of a threat to the Apothecary Shoppe, based on its location in Oklahoma and the incidence of radical actions that occurred in that state before.
21. At the time Professor Humez emailed the Apothecary Shoppe and at all times since then, Professor Humez has had no personal knowledge or information of any threat of any kind against any business that might be involved in supplying drugs for Missouri, Ohio, or any other state to use in an execution.
22. Professor Humez was adamant that it was absolutely not his intention to threaten the Apothecary Shoppe through his email and he feels saddened if the Apothecary Shoppe's owners or employees felt threatened or unsafe because they failed to understand the actual sense of his words. He is also deeply offended that his email has apparently been passed around between various governmental agencies around the country, including here in Ohio, and misrepresented as evidence of a threat to businesses that might choose to get involved in providing drugs to be used for lethal injection executions.

23. Professor Humez was interviewed by the FBI in regards to his Apothecary Shoppe email several months after he sent it. On April 8, 2014, two Agents from the Painesville, Ohio office of the FBI paid Professor Humez a visit. Attorney General Pruitt of Oklahoma had made statements to the media days earlier, reported in an April 3, 2014 article, declaring that he had launched an investigation into an alleged bomb threat against the Apothecary Shoppe.⁵ That “threat” was, apparently, Professor Humez’s email to the Apothecary Shoppe. It was Professor Humez’s impression, based on what FBI Agents told him, that they interviewed Professor Humez at the direction of the Cleveland FBI District Supervisor, prompted in turn by the Cleveland Supervisor’s FBI counterpart in Oklahoma because Attorney General Pruitt of Oklahoma was under pressure to produce evidence of the investigation he had touted to the media. One of the Agents was Russell G. Cszasz. The other was Agent Charles Sullivan.
24. Professor Humez explained to the Agents that he is a retired professor who taught mythology, that he knows nothing about making bombs, and that with his email to the Apothecary Shoppe, he merely expressed his apprehension about potential safety issues that their business might encounter. He was dismayed that—considering that he is a retired professor and a published author of numerous books—he was unsuccessful in conveying the intended tone and the spirit of his message, which was one of concern, not a threat.
25. Professor Humez feels that to read his letter as a threat grossly misconstrues what he actually wrote. He is a man of peace, and he takes a very dim view of violence. He has never even owned a firearm.
26. Professor Humez has no criminal history and, to his knowledge, no criminal charges have been filed against him in connection to his email to the Apothecary Shoppe; nor has Professor Humez had any other contacts with law enforcement regarding the email.
27. To his recollection, Professor Humez has only been contacted about his email to the Apothecary Shoppe on four occasions. The first was the April 8, 2014 interview with Agents Cszasz and Sullivan. He does not recall specifically when the second contact occurred, but it was after the FBI interview and the person who called was a female attorney who represented death-penalty defendants in Texas. The third contact was also after the FBI interview and was an email from an unknown individual. In the two latter cases Professor Humez respectfully declined to become involved. The fourth contact was on August 27, 2015, when attorneys from the Federal Public Defender’s Office in Columbus, Ohio contacted Professor Humez by telephone. He also had several follow up conversations with attorneys and staff from that office.

⁵ A copy of this story, *Scant Evidence of Threats to Execution Drugmakers* (Apr. 3, 2014) is available at <http://www.dailymail.co.uk/wires/ap/article-2596442/Scant-evidence-threats-execution-drugmakers.html>.

28. No one from the government of the State of Ohio, nor anyone acting on behalf of the government of the State of Ohio or any of its agencies or employees, has ever contacted Professor Humez about his January 29, 2014 email to the Apothecary Shoppe.
29. Professor Humez shared his resume, a copy of which I have attached to this declaration.
30. Professor Humez respectfully declined to provide a sworn declaration.

Date: September 4, 2015

Signature: _____



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